



M.O.E. Policy Manual

POLICY TITLE PUBLIC CONSULTATION		NO. 16-09-01		
<u>Legislative Authority</u> the Environmental Protection Act the Ontario Water Resources Act the Environmental Assessment Act the Pesticides Act				
<u>Statement of Principles</u> <p>The Ministry's policy to consult with the public is an integral part of its mandate because such consultation:</p> <ul style="list-style-type: none">- allows the Ministry to take into consideration the public's views and priorities;- improves the quality and effectiveness of environmental decisions; and- enhances the public's understanding of environmental issues and activities.				
<u>Definitions</u> <table border="0"><tr><td><u>Public</u></td><td>Any person or group, and on any given issue could include: municipalities; industry; community, professional and corporate interest groups; or individuals.</td></tr></table>			<u>Public</u>	Any person or group, and on any given issue could include: municipalities; industry; community, professional and corporate interest groups; or individuals.
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<u>Point of Contact</u> Director, Policy and Planning Branch				
<u>Effective Date</u> February 16, 1989				

Public Consultation

A process involving interactive or two-way communication between the Ministry and the public, through which both become informed about different perspectives on issues and proposals, providing the public with the opportunity to influence decisions to be made by the Ministry.

Public Information

A more narrowly defined process through which the Ministry provides relevant and timely information to the public.

Public Consultation Principles

Public consultation activities undertaken by the Ministry will be guided by the following principles:

1. Public consultation will emphasize consensus building.
2. The Ministry will carry out public consultation processes in an objective, open, fair and responsible manner, within reasonable time frames and with consideration of cost to both the public and the Ministry.
3. Public consultation requirements will be incorporated into the decision-making process of the Ministry. In the evaluation of public input leading to decisions, a number of factors will be considered such as:
 - . relationship to government policy,
 - . local, regional and provincial interests,
 - . technical feasibility,
 - . potential impacts of positions on all those who may be affected.
4. The objectives and scope of each consultation process will be clarified at the outset with respect to how and when the public can participate.
5. The public will be provided with a response outlining how its input was considered in the Ministry's final decisions.

Consultation With Other Senior Government Agencies

The Ministry also consults with Ontario Ministries and agencies and with ministries and departments of other provinces and the federal government, and government jurisdictions in the United States.

Role of Proponents

The Ministry recognizes that both proponents seeking approvals for proposed activities and persons to whom orders are directed have an important role to play in public consultation. The Ministry encourages such parties to take the initiative in consulting with the public as well as participating in Ministry consultation activities.

Note:

Nothing within this policy is intended to abridge anyone's rights under the Freedom of Information and Protection of Individual Privacy Act or to restrict any access provided under MOE Administrative Policy 6-01 concerning the Freedom of Information Act.

POLICY BY MINISTRY ACTIVITY

1. MAJOR PROGRAM INITIATIVES

Definition:

Comprehensive new programs and major revisions to existing ones covering broad areas of policy.

Policy:

The Ministry will undertake public consultation in the development of major Ministry program initiatives in a manner designed to reach audiences across the province, to inform them about such initiatives and to solicit comments.

Public consultation in most cases will involve a range of approaches (e.g., discussion papers, information sessions, public forums), depending on the nature of the issues.

Inter-Jurisdictional Initiatives. Public consultation undertaken on initiatives carried out jointly with other jurisdictions will be covered under specific policies and agreements developed in conjunction with the parties involved.

2. LEGISLATION

Definition:

New and amended legislation.

Policy:

Opportunities for public consultation on draft legislation are currently provided through procedures by which bills are tabled and considered by the Legislature.

Normally the public is informed when a bill is tabled in the Legislature.

The Ministry, with Cabinet approval, may undertake additional steps to obtain public input on specific legislative initiatives before such bills are introduced in the Legislature.

3. REGULATIONS

Definition:

New and amended regulations.

Policy:

The Ministry generally will provide an opportunity for the public to become informed about and comment on proposed regulations.

In consulting the public on draft regulations, the Ministry will provide notification that includes a brief description of the regulation and its intent, where copies of the draft regulation and pertinent supporting documents can be obtained, and how the public can provide comments.

Once a regulation is made and filed with the Registrar of Regulations, the Ministry will make available in Ministry Head Office and Regional Public Reading Rooms and at all District Offices the final regulation and a summary of the comments received from the public. All regulations are published in the Ontario Gazette and available in public libraries throughout the province.

Opportunities will be provided in some cases for public consultation on regulations at an earlier stage through consultation undertaken by the Ministry on other activities covered under this policy (e.g., major program initiatives) from which regulations may result.

For regulations likely to be of widespread public interest, the Ministry may undertake other public consultation activities in addition to those referred to above.

The Ministry will not consult the public in most cases on regulations that either are of a minor or administrative nature or when immediate action is required. In all such cases, the Ministry will provide subsequent notification to the public through publication in the Ontario Gazette and other means where appropriate.

Regulations on Pesticide Products. New pesticide products will be reviewed and recommended to the Minister for "interim status" classification by the Ontario Pesticides Advisory Committee (OPAC) on a monthly basis.

Approved product interim classifications will be published frequently in the Ontario Gazette and pesticide client groups sent notices. Interim classifications will remain in effect for up to 18 months, during which time the public may comment. Following this period, the interim classification will either be revoked or suspended, or the product will be given further interim classification or full classification by regulation.

4. ENVIRONMENTAL STANDARDS
FOR CONTAMINANTS

Definition:

Environmental standards are defined to include standards, criteria, guidelines and objectives established for specific contaminants to protect human health and the environment.

Policy:

The Ministry will provide the public with an opportunity to contribute to the development of environmental standards for contaminants through advisory committees. These committees will be responsible for reviewing scientific information, consulting with the public and considering other relevant information in formulating recommendations. The Ministry may consult directly with the public in specific cases.

The public will be notified of advisory committee recommendations and how the public's comments were considered.

Where the Ministry deems a standard is necessary to address a pressing need, the Ministry may establish an interim standard without public consultation. In such cases, the Ministry will notify the public about the interim standard and subsequently consult with the public, through advisory committees, as the final standard is developed.

5. MINISTRY POLICIES AND
GUIDELINES

Definition:

Policies and guidelines by which the Ministry fulfills its mandate.

Policy:

The Ministry will provide the public access to its Manual of Environmental Policies and Guidelines and other Ministry policies and guidelines. These documents will be available at Ministry Head Office and Regional Public Reading Rooms and at all District Offices.

Policies likely to be of public interest will be adopted and implemented initially on an interim basis for a period of six months, during which time the public will be notified of such interim policies and invited to provide written comments. Copies of interim policies will be made available to anyone upon request.

6. CERTIFICATES OF APPROVAL
AND PERMITS

Definition:

Certificates of Approval, including Approvals and Provisional Certificates of Approval, and Permits, including Licences, issued by the Ministry for proposed works or activities, under the authority of environmental legislation.

Consultation on Approvals under the Environmental Assessment Act will be governed by the existing process outlined within the Act.

Policy:

Information developed or received by the Ministry related to Certificate and Permit applications will be available to the public as a basis for providing comments to the Ministry, subject to legal constraints such as the confidentiality of proprietary information and to protect the reasonable expectation of privacy of individuals.

There will be selective public consultation on applications for Certificates of Approval and Permits. Criteria will be established to identify the special circumstances where a public consultation program should be carried out on such applications.

Public consultation will involve notification, and opportunities to provide written comments. Additional consultation will be undertaken when warranted. The Ministry will consider the public's comments in making decisions on these Certificate and

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Permit applications, including the need for specific conditions to ensure proper operation and safeguards.

Once the Ministry issues decisions on applications for which a consultation program was carried out, all parties expressing an interest in the proposed works will be notified of the decision and how the public's input was considered.

Note:

This section of the Public Consultation Program will become effective upon the acceptance of the criteria under development.

7. ENVIRONMENTAL ASSESSMENT

Definition:

Comprehensive study of proposed undertakings involving activities, plans, programs or projects subject to the Environmental Assessment Act.

Policy:

Whenever the Ministry prepares environmental assessments or exemption requests for its own undertakings, opportunities for public consultation will be provided consistent with the guidelines it provides to other proponents.

The Ministry actively encourages proponents of proposed undertakings to consult with all interested and potentially affected "publics" in the development of the formal environmental assessment submission required under the Environmental Assessment Act, as specified in its Guidelines for Pre-submission Consultation (Policy 03-03).

Opportunities for public consultation on designation and exemption requests and other matters are provided through the Environmental Assessment Advisory Committee, at the direction of the Minister.

8. POLLUTION ABATEMENT
PROGRAM

Definition:

Ministry pollution abatement program activities as specified in Policy 05-02: Pollution Abatement Program: Development, Compliance and Enforcement.

Policy:

The numerous tools available to the Ministry to encourage or to require the correction of actual and potential environmental problems, including clerical problems without direct environmental effect, are discussed at length in Policy 05-02*.

The potency of the tools themselves and their impact in a given situation varies over an extremely broad range: from a spill clean-up order issued in a life-threatening emergency; to a multi-year, multi-million dollar order requiring improvements at a major industrial facility; to an order to a cottager to fix up his septic tank.

Policy 05-02 describes appropriate public consultation and notification in principle and in practice and discusses the considerations to be made by Ministry staff in designing a public consultation/notification program appropriate both to a particular situation in need of abatement and to the community environment in which it exists.

Regardless of the above, where a program approval or a legally enforceable abatement tool (such as a control order) is utilized, notification will be given to the public by providing copies of the document to the clerks of the local municipality and upper tier municipality where the undertaking of concern is located and to the appropriate MPP. The Director will also provide such additional notification to the public as he/she considers appropriate.

* Policy 05-02 is currently under review.

9. SITE DECOMMISSIONING AND
ABANDONED SITES

Definition:

Facilities being decommissioned or abandoned which require Ministry involvement to minimize the potential for environmental and human health problems.

Policy:

Where the Ministry assumes the lead role in the decommissioning of a site or clean-up of an abandoned site, the Ministry will inform the affected public of its activities on an ongoing basis and solicit public comment on issues with significant environmental or public impact, consistent with Ministry guidelines provided to other proponents.

The Ministry actively encourages proponents of site decommissioning/abandoned site undertakings to inform and consult with the public, as specified in its Guidelines for the Decommissioning of Sites in Ontario (Policy 14-17).

10. EMERGENCY RESPONSE

Definition:

Activities undertaken by the Ministry to protect life, property and the environment during emergencies and spills, as defined in Policy 13-01: Role of the Ministry in Emergencies and Spills.

Policy:

In conjunction with its responsibilities in responding to emergencies and spills (as defined in Ministry Policy 13-01), the Ministry will ensure that the public is notified of emergencies and moderate and major spills as soon as possible. The manner and form of notification in each specific case will be determined by the magnitude and nature of the emergency or spill, the risk to the affected public and the action needed.

Where the Ministry is involved in ongoing remedial activities following an emergency or spill, the Ministry will ensure that the public is notified of these activities and public input may be solicited.